

STATE EXPECTS TO CRUSH HIM WITH EVIDENCE TO-DAY

(Continued From Seventh Page.)

scription to Beattie and see how the two tallied. The sheriff brought in the blood-stained clothes taken from Beattie after he had carried his dead wife home. The dairyman inspected them and said the suit closely resembled that the man in the automobile wore, but he was not prepared to swear that they were the same.

It was the object of Mr. Smith at one time to show that a great many automobiles have yellow tops—a disputed matter. Objection was made to questions he put to witness concerning this feature, and the point was sustained.

Mr. Smith arose to argue, and stated in the course of his remarks that a large percentage are, in fact, now provided with the colored covering. The court called him sharply to task, asking if counsel thought he was regarding the properties of the automobile in making such an assertion before the jury. "We expect to prove it," said the lawyer.

"Then prove it, Mr. Smith," replied the judge, "and in the meantime it does not matter whether the witness would be surprised at the large percentage or not."

Sydner went his way. Within the bar Beattie had heard the story calmly. The suggestion of yesterday that as likely as not he would come into a new day with a panic gone and cheerful guise in its place, proved not unfounded. With pursed lips as if softly whistling to himself he watched the dairyman pass out the door.

Heard the Shot.

Following Sydner, after an interval during which torrents of rain poured down, laying many an ambush for the automobile caravan that later set bravely forth, came James Thomas, black, proprietor of a store that bore the proud distinction of being "white-washed" and carried that high-sounding name. Standing four feet from the pike's edge, within twenty yards of the scene of the murder, this way-side emporium, promises to figure somewhat conspicuously in the annals of crime. Thomas, from his back porch, heard the gunshot, but no cries of any sort. Another negro resident of the neighborhood, whom the defense will endeavor to impeach, heard the gun, but no horn and no cries. Then an automobile started off about five or ten minutes after the "shooting" took place. J. C. Talley, a fighting man, often in court and "likely to be there again for defending myself," was a third dweller near the scene, to appear sitting on his back porch, he was startled to hear a scream, then a gunshot, then an automobile, and then later a horn. The defense will try to impeach this witness, too. The going between Talley and counsel was heavy and rough at times, hammer-hammer licks coming from both sides.

Made No Investigation.

A curious feature of this line of testimony was the fact that though Talley had heard screams, shots, starting automobiles and horns, these countrymen went on to bed and apparently heard little or no curiosity in discovering what all the disturbance was about. Talley explained his inaction by declaring that he had no idea such a thing was "going on," and if any such thing had entered his mind he would probably have stayed where he was anyhow, because "if he was cruel enough to shoot his wife, he'd certainly have fixed me, too." Before he left the stand Talley, of whom the defense will have much more to say later, it appeared, recited a conversation he had with Henry Beattie on the morning after the murder.

"I asked him," he said in effect, "what he was doing while his wife was getting shot. I told him if a man had killed my wife I would have got that gun and worn it down to this on him (indicating a small point on the gun barrel, which he grasped in his hand). He said the man knocked him senseless."

The Second Move.

Then came the Commonwealth's second move. On the night the murder occurred a party of Richmond boys, occupying two fast automobiles, journeyed to Bon Air to attend a dance. They went and returned along the Middlethian Pike. On the way back, somewhere about 11 o'clock, they passed in the road a motor car, drawn up somewhat to one side. Two people were with it. One, a man, stood in front, apparently looking at the engine; the other, a woman, was on the left running board. The car was pointed toward Richmond, standing to the right side of the pike. The boys passed to the left, slowing down, and asking the driver in the road if he needed help. Receiving a negative reply, they sped on to town. The spot was the scene of the subsequent murder.

With Roland Sydner the State endeavors to show basis for the charge to be made that the prisoner went in the early evening to the pike and prepared the ground for his murderous deed, perhaps leaving the gun behind a stump, with the Richmond automom-

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billets it endeavors to picture the hour at hand, with Beattie on the spot, ready. Then comes Paul Beattie to tell of the purchase of the weapon, and then Beulah Binford, with anything additional that may be cited as a motive. On these four main features hangs the issue. Much will depend on the ability of the prosecution to support Paul's story. The lawyers and detectives say this surely will be done.

All the Richmond boys have been summoned, and A. K. Briggs was the first to appear.

"What do you do, Mr. Briggs?" asked Mr. Wendenburg, desiring to arrive at the occupation of the young man.

"Nothing," quoth the witness, much embarrassed.

While a laugh went around he explained that he went to school. Mr. Smith fought hard, but did not materially weaken the testimony.

Easily Located Spot.

Young Briggs located the spot by means of the "whitewashed store." He said the apparently disabled automobile was within a half-mile of James Thomas's store and glory. He gave reasons for thinking the time was between 10:40 and 11 P. M. He denied that he had been carousing at Bon Air. A half-bottle of beer was all that came his way. The boy, though manifestly in awe of the court, stuck to the essentials of his story.

Nothing was asked him as to the appearance of the man and woman or their possible identity. This line will be followed up later. The boys will be put on one after another, and the prosecution believes it can hammer a new fact home. It is claimed that these witnesses will describe the couple in the road as closely resembling Beattie and his wife. They go on the stand with the opening of court to-day.

The Other Testimony.

These were the notable events of the day. The rest concerned chiefly a continuation of the rehearsal of the inquest testimony. Jarrell, the Chestfield officer, insisted that he had seen blood on the gun and had called the attention of at least two other people to it. This point was considered of much importance to the prosecution. On the whole, the constable made a splendid witness, though he came a cropper once just as he was about to leave the stand. The point, however, seemed not particularly vital.

Further evidence of conflict in Beattie's several different accounts of just how the murder occurred appeared during the day. The prisoner, for instance, told Magistrate Jacob that the bearded highwayman stood on his right; to others he had said left. Vigorous and repeated efforts to shake the witness as to this failed utterly.

For the benefit of the accused it was shown that he had no abrasion on his shoulder from a gun-kick, though he was examined soon afterward.

Witnesses told of the finding of the gun. The defense, as stated heretofore, did good work with these witnesses in that it brought from them statements indicating the possibility that the weapon might have been plucked from the machine.

An old negro woman came and went twice, but recoiled soon after she had managed to crawl out through the crowd. Her disquiet was profound. "I hope dis woun happen no mo'," she muttered. "I gittin' t'ed."

Motions Overruled.

Early in the day counsel for the defense submitted to the bench a motion to strike from the record the testimony of the coroner touching the admissions made by Beattie at the inquest concerning the fabled "Dear Kid" letter. Though finely argued by Mr. Smith, the point proved not well taken, and the court denied the motion, the defense noting an exception.

Counsel for the prisoner sought by this proceeding not so much to get rid of the letter—which the Commonwealth might have brought back into the case under another guise—as to direct attention to an alleged irregularity which might impress the Supreme Court later. They indicated that more testimony might be submitted hereafter to sustain the contention and to alter the present attitude of the bench.

As predicted, the attack on the indictment made on the preceding day resulted in nothing but one more exception. The court overruled this motion also.

There were some spirited clashes between counsel during the hearing. The lawyers fretted over the precise meanings of words, and from time to time passed barbed pleasantries. Finally the court lost patience. Failing to get into the record a sketch of the scene of the murder, prepared by an engineer, Mr. Wendenburg drew a

rough diagram, consisting of two lines, four words and a dot. Mr. Smith promptly objected to this also, but upon examining the sheet withdrew, declaring that since it showed nothing but a few scratches he could find nothing on which to base an objection. The Commonwealth lawyer went before the jury with his sketch, and was using it to illustrate a witness' story. Mr. Smith standing near. The defense objected to what it claimed to be a practice of Mr. Wendenburg to ask leading questions at the same time suggesting their answers. Mr. Wendenburg denied the charge.

"Merely to correct your habits, Mr. Wendenburg," Mr. Carter blandly. "Rather late in the day to start reforming my habits," retorted the other lawyer.

"Well, even the vilest sinner may reform," remarked Mr. Smith.

Something more was said along the reforming line a few moments later and the court intervened.

"I see I'll have to try to reform all you gentlemen," the judge declared.

"You have a big job before you, judge," said Mr. Smith.

The case went on, the defense interposing objections at every time, and seizing every technicality. Mr. Smith finally demanded to know on what scale of inches Mr. Wendenburg had drawn his map. The crowd began to laugh, bringing a sharp rebuke from the court. Judge Watson warned the people that strictest order must be maintained. Mr. Wendenburg declared that the jocularity of counsel for the defense, under circumstances scarcely permitting jocularity, was responsible for the disorder. Later on in the day the court again demanded that levity cease. Smart answers from witnesses often brought laughs, but the judge asked that as far as possible the spectators restrain their mirth.

Intense Heat.

Heat and crowd were as great as before, and steadily grew with the day. Visitors lingered on the green as long as possible, hesitating to enter the stuffy building. Paul Beattie, more important than he had ever been in his life before, walked about with Detective Wren at his heels, and with many eyes turned his way. Sensational stories of new turns in the case began to get abroad and to keep up interest to the highest pitch. Beulah Binford's mother and sister strolled leisurely about the lawn holding fans or newspapers before their faces whenever the camera man came within range. Commonwealth witnesses stood around impatiently. Two days of enforced idleness without even the satisfaction of being allowed to see what was going on in the courtroom, had spoiled their interest in the case.

During the dinner hour recess black clouds gathered and the sun went out of sight to the joy of all beholders. Thunder was rolling on toward Richmond when court reassembled, but the storm passed tantalizingly by and not a drop fell for a time. Presently the skies were as bright and as blistering as before. The heat within the room was intense. The witness chair stood in the middle of a furnace. Crowds blocked every aisle, window and door. It was with difficulty that the judge himself gained entrance. The sheriff had a hard time lighting the people back in the rear scores had doffed their coats, but in the newspaper circle and within the bar court dignity would not permit the crowd to enter.

Outside another strained and stretched to get a view of Henry Beattie's face. Finally she mounted a box and peered through the window, a big black ostrich plume in her hat tickling the perspiring faces of two gawking men. Down with a crash came box and plume before long, but, undaunted, the woman mounted again and continued to revel in the prospect. Two farmers climbed into a tree and got both fresh air and a good view. The woolly pate of an ancient dandy appeared above one window sill, and the seamed old face gazed benignantly upon the scene. Two or three other negroes gathered behind. All stood with their hats off, respectfully, though they were some distance outside the courtroom. The judge is evidently a personage here.

Before long the storm came thundering back. Fearing that the oppressive atmosphere of the crowded room might be dangerous with lightning playing about on the green, the court requested some of the spectators to leave. A number complied at once.

Down came the rain in sheets, and dust turned at once to mud. Ditched automobiles, stalled buggies and some minor accidents tell the rest of the story. It was a pathetic journey homeward when the court finally turned the crowd loose.

SELECTING HIS SUBJECTS

Taft Will Have Plenty to Talk About on Western Trip.

Beverly, Mass., August 25.—President Taft has definitely selected some of the subjects on which he will speak on the Western trip that begins next month. He told callers to-day that the tariff, peace and arbitration, currency reform, reciprocity and conservation would probably form a nucleus for his speechmaking.

His position in regard to attempted tariff legislation at the special session and at the session that begins in December also will furnish him with plenty of material.

The attitude of the Senate toward the arbitration treaties with Great Britain and France is expected to call forth more argument for popular support.

The President's program for rest was broken to-day so that he might see Frank B. Kellogg, former government "trust-buster," and John Hays Hammond, but beginning next week he will adhere strictly to the rest cure.

The Wiley case, the National City Company case, and other more or less important matters will go over until later.

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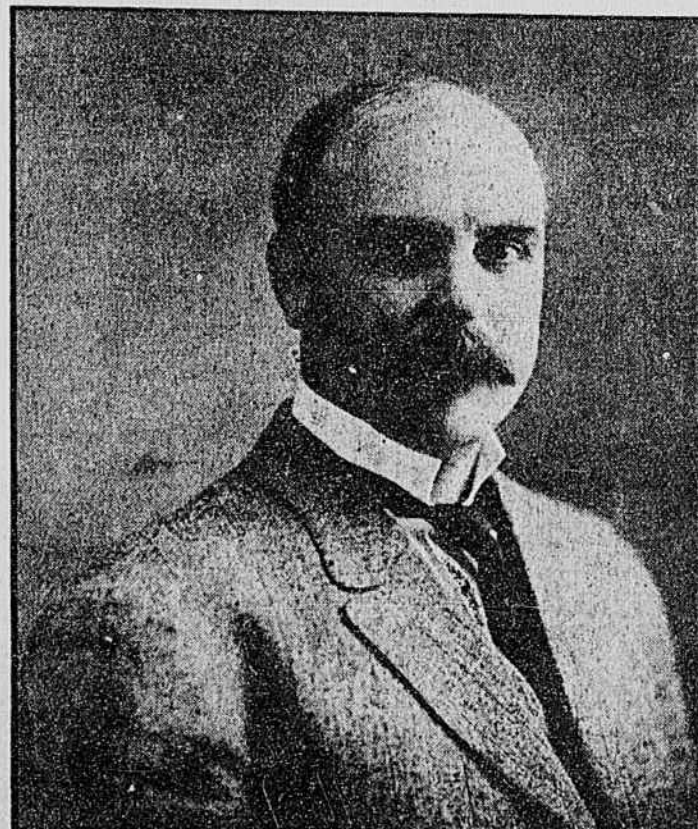
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Fusion Candidate for Mayor



James Ralph, Jr., is the candidate for nomination for Mayor of San Francisco at the primaries to be held September 26 of all the parties in the city, except the Socialist and Union Labor parties. He is opposed by the present Mayor, P. H. McCarthy, who is an influential leader in union labor affairs.

Messenger for Weather Bureau.
An examination will be held in Richmond on September 18 by the United States Civil Service Commission to secure eligibles from which to make an appointment to fill a vacancy as messenger for the local Weather Bureau. It will be open to persons between the ages of sixteen and eighteen years. Further information may be obtained from W. H. Ham, local secretary, at the post-office.

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